

May 11, 2011

To the Jury:

In response to your note to the court of today, I instruct you as follows:

Where the Government has shown beyond a reasonable doubt that a conspiracy existed and that a defendant was a member of it, his membership is presumed to continue until the last overt act by any of the coconspirators, unless the defendant proves by a preponderance of the evidence that the conspiracy was terminated or that he took affirmative steps to withdraw. The definition of preponderance of the evidence is set forth in the jury charge under the heading "Venue" at page 12.

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Judge Garaufis

